



MAYOR AND COUNCIL AGENDA

NO. 19

DEPT.: Legal /

DATE: September 29, 2004

ACTION: Introduction and Adoption of Ordinance to authorize the acquisition of property at 360 Hungerford Drive for \$3,600,000.

ACTION STATUS:

FOR THE MEETING OF: 10/4/04

INTRODUCED

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

ROCKVILLE CITY CODE,

CHAPTER

SECTION

CONSENT AGENDA

RECOMMENDATION: Staff recommends that this ordinance be introduced and adopted at the meeting of October 4, 2004. In order to introduce the ordinance and proceed to adoption at the same meeting, the ordinance should first be introduced, then a motion should be made to waive the layover period. If the motion to waive the layover period is approved by an affirmative vote of four members of the Mayor and Council, you may then proceed to move to adopt the ordinance.

IMPACT: Environmental Fiscal Neighborhood Other:

BACKGROUND: On August 4, 2003, the Mayor and Council adopted Resolution No. 27-03 authorizing and directing the City Manager and the City Attorney to carry forward the necessary proceedings for the condemnation of the property located at 360 Hungerford Drive (the "subject property"). Pursuant to that authorization and direction, the City Attorney instituted condemnation proceedings for the acquisition of the subject property.

On June 14, 2004, the Mayor and Council executed a General Development Agreement for Block 4 of the Rockville Town Square, which provides, among other things, for the acquisition of the subject property. The condemnation proceedings will conclude upon the payment of \$3,600,000 to the owner of the subject property by the City for the acquisition of the subject property.

The attached ordinance provides for the authorization and direction to the City Manager and the City Attorney to consummate the acquisition of the subject property in accordance with the General Development Agreement and the Inquisition entered by the Circuit Court for Montgomery County, Maryland.

PREPARED BY:

Paul T. Glasgow
Paul T. Glasgow, City Attorney

Date 9/29/04

LIST OF ATTACHMENTS:

Proposed Ordinance

Ordinance No. _____

ORDINANCE:

To authorize the acquisition
of property at 360
Hungerford Drive for
\$3,600,000

WHEREAS, on August 4, 2003, the Mayor and Council adopted Resolution No. 27-03 authorizing and directing the City Manager and the City Attorney to carry forward the necessary proceedings for the condemnation of certain property, known as the Amoco Service Station; and

WHEREAS, pursuant to the authorization and directive of the Mayor and Council in Resolution No. 27-03, the City Attorney did institute condemnation proceedings for the acquisition of the property at 360 Hungerford Drive, which property is more particularly described in Resolution No. 27-03, which property is hereinafter referred to as the "subject property"; and

WHEREAS, on June 14, 2004, the Mayor and Council of Rockville executed a General Development Agreement for Block 4 of the Rockville Town Square, which provided, among other things, for the acquisition of the subject property; and

WHEREAS, the Inquisition to be entered by the Circuit Court for Montgomery County, Maryland, in the condemnation proceedings provides, among other things, for the acquisition of the subject property by the City upon payment of \$3,600,000.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the City Manager and City Attorney are authorized and directed to acquire the property, at 360 Hungerford Drive for \$3,600,000, including such further actions and proceedings that are necessary and required to consummate the acquisition of the subject property, which property the Mayor and

Ordinance No. _____

Council has determined is necessary to be acquired for the public uses and public purposes set forth in Resolution No. 27-03.

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk